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20 UNITED STATES DISTRICT COURT  
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF  
24 GOVERNMENT EMPLOYEES, AFL-CIO;  
25 AMERICAN FEDERATION OF STATE  
26 COUNTY AND MUNICIPAL EMPLOYEES,  
27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

**STIPULATION TO DISMISS FIFTH  
CLAIM FOR RELIEF WITHOUT  
PREJUDICE**

1 This stipulation is entered into by all Plaintiffs and Defendants Office of Personnel  
2 Management (“OPM”) and Acting OPM Director Charles Ezell.

3 Plaintiffs’ Second Amended Complaint (Dkt. 90) includes the Fifth Claim for Relief, alleging  
4 that Defendants OPM and Acting Director Ezell violated the Administrative Procedure Act, 5 U.S.C.  
5 §706(2)(d), on the basis that the OPM program requiring federal employees to submit reports to OPM  
6 by email is void for failure to comply with the APA’s requirements for notice-and-comment  
7 rulemaking. Defendants have not answered the Second Amended Complaint.

8 The Parties have met and conferred and stipulate that the Fifth Claim for Relief is hereby  
9 DISMISSED WITHOUT PREJUDICE.

DATED: July 15, 2025

Respectfully submitted,

s/ Eileen B. Goldsmith

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